

SECRET

Executive Registry
77-576/10

DD/A Registry
77-1161

2 March 1977

DD/A Registry
File OTM

MEMORANDUM FOR: Admiral Stansfield Turner

SUBJECT: Responses to your Request for List
of Problems and Issues Requiring
your Immediate Attention

The ADCI recommends that you address the following actions and schedule the following briefings with representatives of the components listed below as soon as possible after your return from Europe:

1. Office of Legislative Counsel:

Approve return of the transcript of your confirmation hearings, as edited in a minor way, to SSCI, and review of commitments made by you during the session.

2. Office of General Counsel:

CIA relations with the Justice Department, especially the key pending cases: [redacted] Moore and Boyce/Lee; [redacted] The role of the Attorney General under E.O. 11905.

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3. Deputy Director for Operations:

Ongoing Covert Action operations, sensitive agent operations, and CIA/State Department relations which are currently a subject of negotiation.

Please note, in connection with Item 2 above, the ADCI's short memo to you which is attached.

Also attached is a list, in priority order, of topics Component heads would like to discuss with you at your earliest convenience. In the light of this list, it would be appropriate to schedule meetings with the representatives of those offices as soon as feasible.

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1 March 1977

NOTE FOR: Admiral Turner

Stan:

I believe that your view concerning your priority attentions are well considered and on the mark.

In addition, however, to looking to the SecState, SecDef and NSC Advisor, you should add to them, I believe, the Attorney General and the Department of Justice. To me the most striking thing about the current and likely future state of American intelligence is the increasing impact of legal issues and findings concerning intelligence activities. This has taken DCIs more and more into the field of carrying out dialogue and negotiations with the Attorney General and there are a number of crunch issues and Catch 22s in this whole field. It is vitally important that you become aware of some of these issues, and I have asked General Counsel Tony Lapham to schedule some time for discussions of these matters with you looking ahead to a series of meetings between top CIA officials and top Justice officials so that a process of mutual education and understanding can take place.

STATINTL


E. H. Knoche

NOTE: This is a summary list of priority items. The memos submitted by the components listed below are attached and tabbed.

OLC:

- a. Schedule briefings to prepare for NFIP budget hearings. (DCI first appearance 15 March.) Support provided by IC Staff and CIA Comptroller as required.
- b. Schedule meetings with appropriate Hill Committee Chairmen, especially Zablocki (House International Relations), Sparkman (Senate Foreign Relations), and Senator Case (Ranking Minority Member) for briefings on Covert Action and on the Cast Act requirements to report on certain CIA/foreign liaison agreements.
- c. Meeting with Speaker of the House to discuss question of House oversight arrangements.
- d. Attend Tuesday breakfasts at CIA for Congressmen.

OGC:

CIA (and other Community agencies) relations with the Intelligence Oversight Board under E.O. 11905.

D/DCI/IC:

- a. PRM-11 (Intelligence Structure and Mission): issues and new approaches; related topics.
- b. Review of NIE 11-4 (Soviet Strategic Objectives) analysis.

NIO:

- a. PRM-10: Military Force Posture: problems of intelligence resource mobilization for this study. (IC Staff also will contribute.)
- b. NIE 4-1-77: Warning of War in Europe: its relation to PRM-10.
- c. Pros and cons of the NIO system: the pressure on NIO staff created by tasks set by the new Administration, and related manpower needs.
- d. Intelligence support provided President Carter to date.

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A/DCI (Press):

- a. Scheduling of recommended DCI appearances for March.
- b. DCI approach to public affairs from CIA and Community viewpoints. Recommendations and request for guidance.

DDA:

b. FBI investigations of unauthorized disclosures: problem of Justice Department position that investigations should lead to possibility of prosecution. (OGC also will comment.)

c. FOIA burden: should CIA seek relief from Act? (OGC also will comment.)

d. Problem of rewriting of E.O. 10450 on Suitability Requirements for Government Employment: suggested version expected to be completed end March by OMB/Civil Service Commission probably will not meet Intelligence Community needs.

DDS&T:

No immediate problems, but would like to brief on DDS&T functions and resources, particularly those involving NRP and NURP.

DDI: (No Tab)

No immediate problems or issues, although would contribute to NIO discussion of pros and cons of NIO system.

DDO:

No immediate problems except as discussed on covering memo.

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IG: (No Tab)

No immediate problems or issues, but will contribute as required, including OGC comments on CIA relations with IOB.

Comptroller:

No immediate problems; will be involved in budget briefings.

28 February 1977

MEMORANDUM FOR: See Distribution

SUBJECT: Priority Problems and Issues
for Admiral Turner's Immediate
Attention

1. Admiral Turner wishes a prioritized list developed of problems and issues which will require his immediate attention after his return from Europe the night of 2 March. This memo is a request that each addressee prepare such a list of priority problems and issues, each item accompanied by a short descriptive paragraph, and deliver the list to the O/DCI by 1200 hours, Tuesday, 1 March. This office in consultation with ADCI will develop a master list for Admiral Turner's information, to be delivered to him the evening of 2 March.

2. To assist the development of these lists, Admiral Turner has cabled his views on the overall priority of effort concerning, "people to see and meetings to have," as follows:

- a. Preparation for twice weekly meeting with President.
- b. Preparation for NSC meetings.
- c. Preparation for PRC/SCC meetings.
- d. Congressional relations.
- e. Relations with NSC Advisors, Secretary of Defense, Secretary of State, Attorney General/Justice Department.
- f. NFIB meetings, NFIB relations.
- g. Meetings with staffs (i.e., Community and Agency).
- h. Press relations.

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3. It is expected that background material requests for the full briefing of Admiral Turner on particular problems and issues will be prepared and held in the offices concerned until required by O/DCI.

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SA/DCI

Distribution:

ADCI
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DDO
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EXECUTIVE SECRETARIAT

Routing Slip

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TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	D/DCI/IC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/NI				
9	GC				
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11	IG				
12	Compt				
13	D/Pers				
14	D/S				
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17	AO/DCI				
18	C/IPS				
19	DCI/SS				
20	D/EE0				
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SUSPENSE _____
Date

Remarks:

Executive Secretary

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Date

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TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
2	DDCI				
3	D/DCI/IC		X		
4	DDS&T		X		
5	DDI		X		
6	DDA		X		
7	DDO		X		
8	D/DCI/NI		X		
9	GC		X		
10	LC		X		
11	IG		X		
12	Compt		X		
13	D/Pers				
14	D/S				
15	DTR				
16	Asst/DCI		X		
17	AO/DCI				
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Remarks:

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[Redacted Signature]
 Executive Secretary

3 Mar 7
 Date

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Priority Problems and Issues for Admiral Turner's Immediate Attention

Michael J. Malanick
ADDA

DDA 77-1095 & DDA 77-1101

1 March 1977

STATINTL

SA/DCI

Per your request for a prioritized list of problems and issues which will require Admiral Turner's immediate attention, attached are items from this Directorate.

Michael J. Malanick
ADDA

ADDA/MJMalanick:lm (1 Mar 77)

Distribution:

Orig RS - Addressee w/atts
1 RS - ER w/atts

① RS - DDA Subject w/atts
1 RS - DDA Chrono
1 RS - MJM Chrono

Attachments:

- (1) DDA 77-1095, Memo for SA/DCI from AI/DDA, dated 1 Mar 77, Subject: Priority Problems & Issues for Adm Turner's Immediate Attention
- (2) DDA 77-1101, Memo for SA/DCI from D/OS, dated 1 Mar 77, Same Subject

1 MAR 1977

STATINTL

MEMORANDUM FOR: Special Assistant to the Director, [REDACTED]
FROM : [REDACTED]
Assistant for Information, DDA
SUBJECT : Priority Problems and Issues for
Admiral Turner's Immediate Attention
REFERENCE : Memo frm SA/DCI (ER 77-576) dtd 28 Feb 77; same subj.

1. We would like to submit the following item as one worthy of Admiral Turner's early attention:

The Burden of the Amended Freedom of Information Act

The 1974 amendments to the Freedom of Information Act were such that the Agency for the first time became involved in any significant manner with Freedom of Information requests from the public. This fact, coupled with the sensational allegations and revelations concerning the Agency which were made in 1975 and 1976, has resulted in a situation where at the present time the equivalent of approximately 100 full-time employees is devoted to the processing of FOIA requests, appeals, and litigation. This resource commitment is exclusive of the considerable time spent on this matter by senior Agency executives.

A case can be made, that notwithstanding the administrative burden involved, that the very concept of FOIA is incompatible with the activities of a secret intelligence service. The question of whether or not to seek relief from the requirements of the Act should be addressed in some detail at an early date.

2. Detailed information relating to the above is available in various offices, such as O/DDA, OLC, OGC, IPS and can be provided promptly as may be required.

AI/DDA: [REDACTED] laq (1 Mar 77)

Distribution:

- Orig & 1 - Adse
- 1 - C/IPS
- 1 - AI/DDA Chrono
- 1 - DDA Subject

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DD/A Registry

77-1101

1 MAR 1977

MEMORANDUM FOR: Special Assistant to the Director
FROM : Robert W. Gambino
Director of Security
VIA : Executive Officer to the DDA
SUBJECT : Priority Problems and Issues for
Admiral Turner's Immediate Attention
REFERENCE : Memorandum from SA/DCI to multiple
addressees dated 28 February 1977,
same subject

In accordance with your directions the Office of
Security submits the attachments as problems and issues
that should be brought to Admiral Turner's attention.


Robert W. Gambino

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Atts

Distribution:

Orig & 1 - Adse
1 - EO/DDA

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CL BY 013744

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Boyce/Lee Case

In mid-January 1977 Andrew Daulton Lee and Christopher John Boyce were arrested by the FBI on charges related to espionage on behalf of the Soviet Union. In substance, Boyce and Lee provided the Soviets with highly classified CIA information from TRW, Inc., Boyce's employer, for almost 1 1/2 years. At issue is the fact that the information passed to the Soviets directly concerns highly classified Agency relationships with foreign governments -- the public disclosure of which could seriously affect these foreign governments and U. S. Government technical intelligence collection efforts. Boyce and Lee have been indicted by a Grand Jury and trial is tentatively scheduled to commence on 22 March 1977.

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Edwin Gibbons Moore Case

On 22 December 1976 Mr. Edwin G. Moore II, a retired Agency employee, was arrested by the Federal Bureau of Investigation on espionage and other related charges. He allegedly attempted to deliver classified CIA documents to Soviet officials. Following his arrest a large number of classified CIA documents were recovered from Mr. Moore's residence. On 18 February 1977 Mr. Moore was indicted by the Federal Grand Jury. All counts in the indictment relate to the four most sensitive documents recovered. Agency representatives have had extensive meetings with representatives from the U. S. Attorney's office and the Department of Justice with regard to the manner in which the four documents may be introduced into evidence. At issue is the potential for public disclosure of the information within the documents through their introduction as evidence in court. This is aggravated by the requirement that documents so introduced must be accompanied by expert testimony as to precisely why the information is damaging to the national security. The Agency is cooperating with the U. S. Attorney's Office and the Department of Justice to determine the extent to which such expert testimony would be required to obtain Mr. Moore's conviction. We are attempting also to prevent the public disclosure of information of such significance to cause irreparable damage to the national security. Mr. Moore's trial has been tentatively set for 22 March 1977.

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**Investigations of Unauthorized
Disclosures by FBI**

The Agency faces an impasse in the investigation by the FBI of unauthorized disclosure of classified or sensitive intelligence information. The Justice Department will not permit an FBI inquiry into a "leak" unless the material involved can be declassified before an investigation is initiated. In effect, there is no investigation unless there is the probability of prosecution. The Agency position regarding investigation of "leaks" is that the unlikelihood of prosecution should not deter investigation. Determination of the source of a "leak" would permit remedial or administrative action directed against the responsible individual. Further, establishing how or by whom information was compromised would permit establishment of more effective protective mechanisms to prevent serious "leaks" in the future.

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**Inclusion of "Black Arts"
Warning in Termination Debriefings**

It has been suggested to the President that the Agency may need the formal Termination Secrecy Agreement expanded to include a prohibition against the use of "black arts" outside the rigid perimeters of the Agency's duly authorized activities. This precaution, in the mind of the Office of Security, would be ill-advised. "Black Arts" even in their widest connotation would not apply to the majority of our employees. Secondly, even as a suggestion it carries the inference that the Agency is concerned that the individual may be considering embarking on a criminal career. Finally, the essence of the Termination Secrecy Agreement is the willingness on the part of the employee to obey the law. Those employees, if any, who might be harboring an evil intent would not be the least bit deterred by such an admonition.


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PROPOSED EXECUTIVE ORDER TO REPLACE EO 10450

In 1976 the Office of Management and Budget (OMB), acting as the agent for the Domestic Council, coordinated a proposed Executive Order entitled "Suitability Requirements for Government Employment" which was intended to supercede Executive Order 10450 of 1953 titled "Security Requirements for Government Employment." The Agency and the Security Committee of the Intelligence Community Staff took strong exception to the proposal as inadequate to protect classified information and sensitive intelligence information. The Agency also viewed the proposal as a possible abrogation or diminishment of the DCI's authority and responsibility relating to the Government's National Foreign Intelligence Program. OMB, in response to objections, initiated action to accomplish a rewrite; however, no action was taken on the matter prior to the change of administrations. Since the Carter Administration, the proposal has been referred back to the Interagency Advisory Group which is chaired by the Civil Service Commission. A meeting is set for the last week in March. CIA will be invited to participate; however, it is believed that the group will recommend the adoption of standards that still will not meet our criteria.

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TRANSMITTAL SLIP		DATE
TO: <i>DDA</i>		
ROOM NO.	BUILDING	
REMARKS: In accordance with Mr. Malanick's request, copies of the attached have been given to: <div style="text-align: center;">[REDACTED] Mr. Gambino [REDACTED]</div> Del/28 Feb 77 		
FROM:		
ROOM NO.	BUILDING	EXTENSION

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FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

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Executive Registry
77-576
DD/A Registry
77-1081

28 February 1977

MEMORANDUM FOR: See Distribution

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for Admiral Turner's Immediate
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- f. NFIB meetings, NFIB relations.
- g. Meetings with staffs (i.e., Community and Agency).
- h. Press relations.

cc: D/Security
AI-DDA
EO-DDA
ADDA:MJM:der (28 Feb 1977)

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IMPDET CL BY: 03/707

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